

# DETERMINE SEXUAL ASSAULT



## AGE OF THE SURVIVOR

Under the age of 16: Under Montana law, a person under the age of 16 is unable to consent.

Under the age of 12: You must follow the Multi-Disciplinary Team protocol (see MCA 52-2-211)

Under the age of 18: You are required to report the matter to Centralized Intake at 1-866-820-5437

## CONSENT

Following the MCA 45-5-501's definition of consent, was the encounter consensual?

If force was used, and it meets the statutory element, then consent is deemed to have not been given. The offense now becomes an aggravated offense in violation of MCA 45-5-508.



## SEXUAL CONTACT

MCA 45-5-101 Sexual Contact definitions: Directly or through the clothing, causing bodily injury; humiliation, harassment, or degradation; arousal or gratification of either the suspect or survivor. See below:

## BODILY INJURY

Injury includes the feeling of pain, not just physical evidence of contacts such as bruising, swelling, or redness. Bodily injury can include illness, such as sexually transmitted disease.



## HUMILIATION, HARASSMENT, OR DEGRADATION

How does the survivor feel about the contact? Ask the survivor to describe their feelings about the contact and document the observations.

## AROUSAL OR GRATIFICATION

Sexual offenders seek to satisfy psychological and physical desires. Ask the survivor to describe how the suspect reacted to the sexual assault. Did the suspect show signs of arousal or gratification, such as heavy breathing, fondling of genitals, facial expressions, erection, ejaculation, comments or vocalizations made during the conduct, or other sexual responses.



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